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NO. 0879 P. 1



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Date: November 26, 2003

To: **MS RCE**
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Message: Please see attached Request to Reinstate RCE and Contingent Notice of Appeal.

From: Patricia Smink Rogowski

Total Pages: 3 (including cover sheet)

Client/Matter: 4754*39

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NO. 0879 P. 2

PATENT
Attorney Docket No. 4754*39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Applicants: Loukritia Balkos et al.)
Application No.: 09/769,057)
Filed: January 25, 2001)
For: **PRESS FOR MAKING**)
PATTIES AND METHOD)
OF OPERATION)

Group Art Unit: 1722
Examiner: Heckenberg Jr, Donald H

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By FACSIMILE: 703-872-9311
MS RCE
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Certificate of Transmission Under 37 CFR 1.8
I, Valerie J. Murphy hereby certify that on this 26th day of November, 2003, this
correspondence is being facsimile transmitted to the United States Patent and
Trademark Office at 1-703-872-9326.

Signature: *Valerie J. Murphy*
Print Name: Valerie J. Murphy

REQUEST TO REINSTATE RCE AND CONTINGENT NOTICE OF APPEAL

Sir:

Applicants received a Notice of Improper Request for Continued Examination (RCE) that was mailed November 14, 2003. Applicants respectfully submit that such Notice was mailed in error, and that the RCE should be reinstated.

On May 28, 2003, a Final Office Action was mailed. In response, on October 28, 2003, Applicants mailed a Request for Continued Examination (RCE). Accompanying the RCE were an Amendment and Response, and a Petition for a Two-Month Extension of Time. Our check for the RCE fee and 2-Month extension (totalling \$595.00) was cashed by the PTO. Prosecution of the application was "closed" by virtue of the Final Office Action, so the RCE was properly submitted under 37 CFR 1.114 (a) and (b). Therefore, the RCE should be reinstated.

If the Examiner intended to enter the Amendment and Response without the RCE, Applicants should receive a new Office Action and the time period for response should be reset. No additional fees should be due at this time.


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Should the Commissioner deny our request to reinstate the RCE, in the alternative, Applicants respectfully submit herein a Notice of Appeal from the Final Office Action dated May 28, 2003. The Director is authorized to charge the fee under 37 CFR 1.17(b) (\$165.00 - small entity) to Deposit Account 03-2775 (Connolly Bove Lodge & Hutz LLP).

Should any other fee be required before the Examiner may consider this paper, including a fee for a further extension of time, such extension is requested and the Director is authorized to charge the fee amount to Deposit Account 03-2775 (Connolly Bove Lodge & Hutz LLP).

Respectfully submitted,

Dated: November 26, 2003


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